

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEAN WADE EMERSON,

Defendant.

CASE NO. CR14-5304BHS

ORDER

This matter comes before the Court on the Defendant's unopposed Motion to Continue the Trial and Pretrial Motions Dates. The Court, having considered the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Discovery is incomplete, and the defense needs additional time to obtain criminal records from 18 years ago, which are not readily available, as well as to locate and interview witnesses and research and prepare potential pretrial motions.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of
3 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §
4 3161(h)(7)(B)(iv).

5 4. Proceeding to trial absent adequate time for the defense to prepare would result in a
6 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

7 5. The ends of justice served by granting this continuance outweigh the best interests of
8 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

9 6. Defendant waived speedy trial through November 30, 2014.

10 NOW, THEREFORE, IT IS HEREBY ORDERED

11 That the trial date is continued from September 16, 2014, to November 4, 2014, at 9:00
12 a.m. Pretrial Conference is set for October 27, 2014, at 10:00 a.m. Pretrial motions are due by
13 October 1, 2014. The resulting period of delay from August 29, 2014, to November 4, 2014, is
hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

14 Dated this 3rd day of September, 2014.

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BENJAMIN H. SETTLE
United States District Judge